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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,539	10/31/2003	Daniel W. Morris	31451-1	9959

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EXAMINER
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LARSON, JUSTIN MATTHEW

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/698,539

Applicant(s)

MORRIS, DANIEL W. ✓

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/20/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 1/20/04 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the receiving portion of the lock that is mounted on a second panel of the pair of side panels, as recited in claim 4, must be shown or the feature(s) canceled from the claim(s). Also, the quick-release pin and lanyard of claims 7 and 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15, 16, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Plastina (US 5,294,027).

Regarding claim 15, Plastina discloses a convertible cargo container system (Figures 1 & 2) comprising: a top panel (10); a back panel (6) hingeably connected (via hinge 7) to said top panel, said back panel having a pair of opposing coupling ends; a front panel (8) having a pair of opposing coupling ends; a bottom panel (4) hingeably connected (via hinge 5) to said front panel, said bottom panel having a pair of opposing coupling ends; first and second end panels (16 & 18, respectively) having coupling portions adapted to receive the first and second ends of said pair of coupling ends of said back panel; the first and second ends of said pair of opposing coupling ends of said front panel, and the first and second ends of said pair of coupling ends of said bottom

panel; and at least one support leg (40) retractably attached to an interior surface (tracks 20 & 22) of the bottom panel.

Regarding claim 16, the cargo container of Plastina includes a vehicle mounting carrier (42) attached to said bottom panel.

Regarding claim 19, the end panels of Plastina have tracks or notches (see esp. Figure 1) that contact the other panels.

Regarding claim 22, since no structure of the claimed locking hinge has been set forth, Examiner considers the hinges of Plastina to be locking hinges since they retain or lock the front and back panels in a coplanar relationship with the top and bottom panels when the cargo container is in the collapsed position (see esp. Figures 2 & 3).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 8, 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendry (US 2,389,930) in view of Spade (US 1,002,937), and further in view of Maxwell (US 2,258,364).

Regarding claims 1 and 4, Pendry discloses a convertible cargo system comprising: a pair of foldable side panels (2/9 & 1/2), at least one of said pair of side panels (2/9) comprising: a pair of opposing coupling ends; a rigid first portion (2); a rigid second portion (9) pivotally attached to said first portion (via hinge 10); a locking hinge

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(10) attached to said first portion and said second portion; a pair of rigid end panels (4), each of said pair of end panels comprising: an interior surface having a coupling portion; and an exterior surface opposing said interior surface; wherein each of said pair of coupling ends of said pair of side panels engage said coupling portion of said interior surface of one of said pair of end panels (note in Figure 3, on the right side of the container, portions 2 and 8 form the edge of the side panel 2/9, and when folded completely upright, portion 2 is engaged with an interior surface of the end panel 4 while portion 8 lies flush with the edge of the end panel 4) to form an enclosed container.

Although Pendry discloses a set of table legs for use in conjunction with the cargo system, none of the legs are attached to an interior surface of a side panel, as the leg unit is formed separate from the cargo receptacle that is the folded tabletop. Pendry also fails to disclose a handle mounted on an exterior surface of the end panels and a lock having an inserting portion and a receiving portion mounted on a first and second panel of said pair of side panels, respectively.

Regarding the table legs, Spade discloses a cargo system that converts into a table and teaches that foldable table legs (16) may be attached to an interior surface of at least one of the side panels of the container. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace to complex table leg assembly of Pendry with individual table legs attached to an interior surface of the container, as taught by Spade, in order to simplify the process of converting the cargo system from a container into a table.

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Regarding the handle(s) and lock, Maxwell discloses a cargo system that converts into a table and teaches that handles (50) are provided on the exterior surface of panels (14) for convenient movement of the container or table. Maxwell also teaches that a lock is used to secure the container in a closed position, the lock including inserting (48) and receiving (46) portions located on first and second panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include handles and a lock on the cargo system of Pendry, as taught by Maxwell, in order to make it easier for a user to carry or move the container or table and to allow a user to secure the cargo container in a closed orientation to protect the cargo held therein.

Regarding claim 8, since no structure of the claimed locking hinge has been set forth, Examiner considers the hinges of Pendry to be locking hinges since they retain or lock the front and back panels in a coplanar relationship with the top and bottom panels when the cargo container is in the opened position (see esp. Figure 5).

Regarding claim 10, the legs of the modified Pendry device are folding legs.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Pendry device of paragraph #6 above in view of Sedeniussen (US 5,113,920).

The modified Pendry device of paragraph #6 above includes the claimed features except for the locking hinge comprising a receiving guide and a locking bar coupled with the receiving guide. Sedeniussen, however, discloses a folding table structure and teaches that a locking hinge (180/181) locks the table in the extended position. This locking hinge comprises receiving guides (181) and a locking bar (180). It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to utilize a locking hinge, such as that taught by Sedeniussen, on the modified Pendry table in order to provide more support for the table panels in their extending position.

8. Claims 2, 3, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DuRant et al. (US 6,802,441) in view of Hoffmann (2,228,203), and further in view of the modified Pendry device of paragraph #6 above.

Regarding claim 2, DuRant et al. disclose a vehicle coupling support affixed to a side panel of a cargo container system; however, the cargo container system is of different structure than that of the present invention. Hoffmann teaches that it is an old and well-known concept to provide a vehicle-attached cargo container that is convertible into another device, such as a table, in order to provide conveniently accessible comfort for picnickers and overnight travelers (col. 1 lines 1-16). In view of Hoffmann's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the cargo container of DuRant with the modified Pendry cargo container, in order to provide a conveniently accessible table for the user(s), while still allowing them to haul luggage or other cargo via a vehicle attachment.

Regarding claim 3, the vehicle coupling support of DuRant is attached to a vehicle's hitch mount.

Regarding claim 11, DuRant discloses a means (111) for securing the cargo carrier to at least one side panel.

Regarding claim 13, DuRant discloses a rack (112 & 113) coupled to the carrier, the rack extending out beyond, thus being wider, than the carrier itself.



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Regarding claim 14, the rack of DuRant includes two portions (112 & 113) that are attached at opposing ends of the carrier, effectively satisfying the limitations of the claim.

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Pendry device of paragraph #6 above in view of Furtner (US 5,588,549).

The modified Pendry device of paragraph #6 above includes the claimed features except for the coupling portion of the end panels being tracks that receives the coupling portions of both side panels. Furtner, however, also discloses a folding container similar to that of Pendry in that the side panels (6) and end panels (3) pivot about the bottom panel (via hinges 8) to lay flat in a coplanar relationship with one another. Furtner also discloses a coupling device comprising projections (35) on the coupling portions of the side panels that mate with a track (36) on the interior surface of the end panels, teaching that this coupling device (35/36) serves to prevent buckling of the side/end walls when experiencing a load from the contents of the container. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Pendry device of paragraph #6 above by including a coupling device, such as that taught by Furtner, in order to reinforce the container structure for carrying heavier loads.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph #9 above in view of Sanko et al. (US 5,524,383).

The art as applied in paragraph #9 above discloses the claimed invention except for the coupling device comprising a quick-release pin insertable through aligned holes

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in the coupling ends of the side panels and end panels and a lanyard securing the pin to either the side panels or end panels. Sanko et al., however, teach that when wall panels are joined together via a protrusion (38) and track (58), a pin (70) secures the panels together, preventing inadvertent disengagement of the wall panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Pendry device of paragraph #9 above by including pins, as taught by Sanko et al., in order to prevent the side/end walls from inadvertently disengaging from one another.

Regarding the lanyard, Official Notice is taken to the fact that it is old and well known in the art to secure a potentially easy-to-loose latch pin to its respective device via a lanyard, chain, or other means in order to prevent the pin from becoming detached from its device and lost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the latch pin of the modified Pendry device to one of the wall panels, in order to prevent the pin from being lost.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph #8 above in view of Pasley (US 5,215,234).

The art as applied in paragraph #8 above discloses the claimed invention except for the carrier securing means comprising at least one locking clasp attached to the carrier. Pasley, however, also discloses a vehicle attached carrier (10) and cargo container (22) and teaches that the carrier has a pair of locking clasps (42) for securing the cargo container thereon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the screws of the art as applied in

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paragraph #8 above with locking clasps, as taught by Pasley, since both are art-equivalent means for securing a cargo container to a carrier.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pendry in view of Spade.

Pendry discloses a convertible cargo container system comprising: a top panel (9); a back panel (2) hingeably connected (via hinge 10) to said top panel, said back panel having a pair of opposing coupling ends; a front panel (2) having a pair of opposing coupling ends; a bottom panel (1) hingeably connected (via hinge 3) to said front panel, said bottom panel having a pair of opposing coupling ends; and first and second end panels (4) having coupling portions adapted to receive the first and second ends of said pair of coupling ends of said back panel, the first and second ends of said pair of opposing coupling ends of said front panel, and the first and second ends of said pair of coupling ends of said bottom panel.

Although Pendry discloses a set of table legs for use in conjunction with the cargo system, none of the legs are attached to an interior surface of a side panel, as the leg unit is formed separate from the cargo receptacle that is the folded tabletop.

Spade discloses a cargo system that converts into a table and teaches that foldable table legs (16) may be attached to an interior surface of at least one of the side panels of the container. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the complex table leg assembly of Pendry with individual table legs attached to an interior surface of the container, as

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taught by Spade, in order to simplify the process of converting the cargo system from a container into a table.

13. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over DuRant et al. in view of Hoffmann, and further in view of the modified Pendry device of paragraph #12 above.

Regarding claim 16, DuRant et al. disclose a vehicle coupling support affixed to a side panel of a cargo container system; however, the cargo container system is of different structure than that of the present invention. Hoffmann teaches that it is an old and well-known concept to provide a vehicle-attached cargo container that is convertible into another device, such as a table, in order to provide conveniently accessible comfort for picnickers and overnight travelers (col. 1 lines 1-16). In view of Hoffmann's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the cargo container of DuRant with the modified Pendry cargo container, in order to provide a conveniently accessible table for the user(s), while still allowing them to haul luggage or other cargo via a vehicle attachment.

Regarding claim 17, the vehicle coupling support of DuRant is attached to a vehicle's hitch mount.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph #12 above in view of Maxwell.

The art as applied in paragraph #12 above discloses the claimed invention except for a lock having a first member mounted to the top panel and a mating member mounted to the front panel.

Maxwell, however, also discloses a cargo system that converts into a table and teaches that a lock is used to secure the container in a closed position, the lock including inserting (48) and receiving (46) portions located on a top and side panel, respectively. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a lock on the cargo system of Pendry, as taught by Maxwell, in order to allow a user to secure the cargo container in a closed orientation to protect the cargo held therein.

15. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Pendry device of paragraph #12 above in view of Furtner (US 5,588,549).

Regarding claim 19, the modified Pendry device of paragraph #12 above includes the claimed features except for the coupling portion of the end panels being tracks that receives the coupling portions of both side panels. Furtner, however, also discloses a folding container similar to that of Pendry in that the side panels (6) and end panels (3) pivot about the bottom panel (via hinges 8) to lay flat in a coplanar relationship with one another. Furtner also discloses a coupling device comprising projections (35) on the coupling portions of the side panels that mate with a track (36) on the interior surface of the end panels, teaching that this coupling device (35/36) serves to prevent buckling of the side/end walls when experiencing a load from the contents of the container. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Pendry device of paragraph #12

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above by including a coupling device, such as that taught by Furtner, in order to reinforce the container structure for carrying heavier loads.

Regarding claim 20, the claim recites that there be at least one securing means interconnecting the end panels to the front, back, and bottom panels. The already existing hinge (5) of Pendry serves as a first means that interconnects the end panels to the bottom panels, and the protusions/track of Furtner provide another means for interconnecting the end panels to the front and back panel, effectively satisfying the limitations of the claim.

16. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph #15 above in view of Sanko et al. (US 5,524,383).

The art as applied in paragraph #15 above discloses the claimed invention except for the coupling device comprising a quick-release pin insertable through aligned holes in the coupling ends of the side panels and end panels and a lanyard securing the pin to either the side panels or end panels. Sanko et al., however, teach that when wall panels are joined together via a protrusion (38) and track (58), a pin (70) secures the panels together, preventing inadvertent disengagement of the wall panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Pendry device of paragraph #15 above by including pins, as taught by Sanko et al., in order to prevent the side/end walls from inadvertently disengaging from one another.

Regarding the lanyard, Official Notice is taken to the fact that it is old and well known in the art to secure a potentially easy-to-loose latch pin to its respective device

via a lanyard, chain, or other means in order to prevent the pin from becoming detached from its device and lost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the latch pin of the modified Pendry device to one of the wall panels, in order to prevent the pin from being lost.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record relates to convertible containers, convertible tables, and various container wall-interlocking structures.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Friday, 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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6/19/06

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER